



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.121	5202
23483	7590	05/13/2010	EXAMINER	
WILMERHALE/BOSTON			LUONG, VINH	
60 STATE STREET			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	
			3656	
			NOTIFICATION DATE	
			DELIVERY MODE	
			05/13/2010	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

Office Action Summary	Application No. 10/727,306	Applicant(s) WILSON, DOUGLAS B.	
	Examiner Vinh T. Luong	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 20-23, 25/20, 26, 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19, 24, 25/14, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Appendix</u> . |

Art Unit: 3656

1. The amendment filed on February 24, 2010 has been entered.
2. Claims 20-23, 25/20, 26, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on January 30, 2006.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as, “an upper one-half (1/2)” in claim 14. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 14-19, 24, 25/14, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigeru (JP 4-78769 cited by Japanese Patent Office in the IDS in copending Application No. 10720821).

Claim 14

Shigeru teaches a fatigue relieving/preventing apparatus associated with a steering wheel 2 for controlling a vehicle, comprising:

a first section (at a' in FIG. 2, see Appendix hereinafter “App.” that connects to *an upper one-half* of a peripheral portion of the steering wheel 2; and

a rigid, semi-rigid or flexible, or deformable second section (at 1 in FIG. 2, see App.) that connects to and extends from the first section (App.) at the peripheral portion of the steering wheel 2, the second section (App.) extends from the first section (App.) outward at an angle (see angle α in Fig. 4 in App.) to a plane (App.) across a front face of the steering wheel 2, the second section (App.) for providing resting support for at least a portion (*e.g.*, a hand) of a vehicular

Art Unit: 3656

operator's body when pressure from the portion of the vehicular operator's body on the second section (App.) is less than the pressure for deforming the second section (App.) out of interference with the vehicular operator's ability to operate the steering wheel 2, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 2 when pressure from the portion of the vehicular operator's body on the second section (App.) is equal to or greater than the pressure for deforming the second section (App.) out of interference with the vehicular operator's ability to operate the steering wheel 2. (Shigeru, pp. 2-4 of translation)

Claim 15

The steering wheel 2 includes a steering wheel 2 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Claim 16

The portion of the body supported by the second section includes at least a forearm, wrist, or hand. (Shigeru, abstract)

Claim 17

The first section (App.) extends a length of a predetermined peripheral portion of the steering wheel 2.

Claim 18

The second section (App.) includes at least two second sections (*i.e.*, a first second section and a second second section in App.) that each connected to the first section (App.) at separate locations as seen in FIG. 1.

Claim 19

Art Unit: 3656

The first section (App.) is deformable since it is made of a cushion material 8, 9, such as, light weight plastic. (Shigeru, pp. 3 and 4 of translation). On the other hand, “deformable” is a relative term, particularly since virtually anything will be deformed if enough pressure is applied to it. See “flexibility” and “rigidity” in *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC 1969)

Claim 24

Each first section (App.) is formed integral with the steering wheel 2. It is well settled that the term “integral” is sufficiently broad to embrace construction united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973) and *In re Morris*, 43 USPQ2d 1753, 1757 (CAFC 1997).

Claim 25/14

Each first section (App.) is detachable from the steering wheel 2. (Shigeru, p. 3 of translation)

Claim 27

The first section (App.) is flexible, rigid, or semi-rigid, or non-deformable. (Shigeru, pp. 3 and 4 of translation. *Fredman v. Harris-Hub Co., Inc.*, *supra*.

6. Applicant's arguments filed February 24, 2010 have been fully considered but they are not persuasive.

The previous rejections are withdrawn in view of Applicant's amendments to the claims. Applicant's arguments with respect to claims 14-19, 24, 25/14, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3656

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Luong/
Primary Examiner, Art Unit 3656